

**REMARKS**

Claims 1, 6, 8 and 14 have been amended. Claims 1, 2, 4, 6-9, 11 and 14 remain in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Claim 14 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Reconsideration is respectfully requested. The claim has been amended to obviate the rejection.

Claims 1, 2, 4, 6, 8, 9 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over Narumi in view of Spruit. Reconsideration is respectfully requested. Claims 1, 6 and 8 have been amended to obviate the rejection. Support for the amendments to the claims appears in the original disclosure, including Fig. 9 and Fig. 11, Step 439.

Claim 1 as amended says that the first region of the first test writing area is completely superposed with the second region of the second test writing area when considered in the irradiation direction of the laser. The references do not suggest this important feature of the claimed invention. Narumi shows merely a partial superposition (overlapping) of such PCAs (a first test recording area 826 and a second test recording area 836) (see Fig. 8).

Moreover, claim 1 as amended recites the step of recording dummy data in the first recording layer, after the test writing. The references do not disclose this important aspect of the claimed invention either. Please note that Spruit does not refer to an optical disk that has multiple layers.

Claims 2, 4, 6, 8, 9 and 11 depend from claim 1 or recite limitations similar to those discussed above in connection with claim 1. For at least these reasons, the rejection of claims 1, 2, 4, 6, 8, 9 and 11, as being unpatentable over Narumi in view of Spruit, should be withdrawn.

Claims 7 and 14 are rejected under 35 U.S.C. § 103 as being unpatentable over Narumi in view of Spruit and further in view of Hayashi. Reconsideration is respectfully requested. Claims 7 and 14 depend from claims 1 and 8. For at least the reasons given above in connection with claims 1 and 8, the rejection of claims 7 and 14, as being as being unpatentable over Narumi in view of Spruit and further in view of Hayashi, should be withdrawn.


Claims 1, 2, 4, 6, 8, 9 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over Narumi in view of Kubo and further in view of Van Der Vleuten. Reconsideration is respectfully requested. As noted above, claim 1, as amended, says that the first region of the first test writing area is completely superposed with the second region of the second test writing area when considered in the irradiation direction of the laser. Narumi shows merely a partial superposition (overlapping) of such PCAs (a first test recording area 826 and a second test recording area 836) (see Fig. 8). Kubo and Van Der Vleuten are relied upon in the Office Action (page 6, lines 10-19, and page 7, lines 3-11) for other features. Claims 2, 4, 6, 8, 9 and 11 depend from claim 1 or recite limitations similar to those discussed above in connection with claim 1. Therefore, the rejection of claims 1, 2, 4, 6, 8, 9 and 11 as being unpatentable over Narumi in view of Kubo, and further in view of Van Der Vleuten, should be withdrawn.

Claims 7 and 14 are rejected under 35 U.S.C. § 103 as being unpatentable over Narumi in view of Kubo, and further in view of Van Der Vleuten, and further in view of Hayashi. Reconsideration is respectfully requested. As noted above, claims 7 and 14 depend from claims 1 and 8. Therefore, for at least the reasons given above in connection with claims 1 and 8, the rejection of claims 7 and 14, as being as being unpatentable over Narumi in view of Kubo, and further in view of Van Der Vleuten, and further in view of Hayashi, should be withdrawn.

Allowance of the application, as amended, is solicited.

Dated: March 3, 2010

Respectfully submitted,

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